



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,345	09/28/2001	Mark Sears	1079US	3117

7590 01/07/2005
ZUCOTTO WIRELESS
16644 WEST BERNARDO DR SUITE 301
SAN DIEGO, CA 92127

EXAMINER

PARTON, KEVIN S

ART UNIT PAPER NUMBER

2153

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,345

Applicant(s)

SEARS ET AL.

Examiner

Kevin Parton

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it does not contain the minimum required number of words. Further, the abstract does not sufficiently describe the content of the specification. Correction is required. See MPEP § 608.01(b).
3. Claim 14 is objected to because of the following informalities: the option of download history is included twice. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 10-14 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by McLlroy et al. (USPN 6,701,521).
6. Regarding claim 10, McLlroy et al. (USPN 6,701,521) teach a system for disseminating information to devices in a network comprising a tool, the tool for receiving information and for processing the information according to characteristics of the network, wherein the characteristics comprise characteristics of the devices (column 12, lines 37-40; column 13, line 7-21).
7. Regarding claim 11, McLlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 10. They further teach means wherein the devices comprise mobile communications devices (column 12, lines 40-47).
8. Regarding claim 12, McLlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 10. They further teach means wherein the characteristics of the devices are selected from a group consisting of display, memory, interface, processor, and installed software characteristics (column 12, lines 44-47).
9. Regarding claim 13, McLlroy et al. (USPN 6,701,521) teach a system for disseminating information to devices in a network comprising a tool, the tool for receiving information and for processing the information according to characteristics of the network, wherein the characteristics comprise characteristics of the users (column 12, lines 37-40; column 13, line 7-21).
10. Regarding claim 14, McLlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 13. They further teach means wherein the characteristics of the users are selected from the group consisting of download history, log of frequently used

applications, billing and subscription info, user ranking of applications, applications used in the past, and download history (column 12, lines 20-47). Note that in the reference, the history of a download from another mobile device is used to choose the application.

11. Regarding claim 27, McIlroy et al. (USPN 6,701,521) teach a system for disseminating information to users and devices in a network with means for:

- a. Registering users and devices in the network (figure 10b, element 1040).
- b. Receiving information (figure 10b, element 1050).
- c. Processing the information based on characteristics of the users and devices in the network (column 13, lines 7-21).
- d. Disseminating the processed information to the network (figure 10b, column 13, lines 7-21).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-6, 17, 19, 20, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIlroy et al. (USPN 6,701,521) in view of Maryka et al. (USPN 6,738,806).

14. Regarding claim 1, McIlroy et al. (USPN 6,701,521) teach a system for disseminating information to users and devices in a network comprising:

- a. A server that disseminates information to the users and devices in a network, wherein the information is disseminated to users and devices based on characteristics of the users and the devices (column 12, lines 38-47; column 13, lines 7-12).
- b. At least one computer readable medium for storing the characteristics of the users and devices (column 13, lines 7-12; figure 11). Please note that while the software manager of the reference is locating and preparing the application, the characteristics of the user and device are stored on its computer readable medium.
- c. A tool, wherein each computer readable medium, the tool, and the server are operatively coupled, wherein the tool processes the information based on the characteristics of the users and devices prior to dissemination (column 13, lines 7-21).

Although the system disclosed by McLlroy et al. (USPN 6,701,521) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the information is Java information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McLlroy et al. (USPN 6,701,521) as evidenced by Maryka et al. (USPN 6,738,806).

In an analogous art, Maryka et al. (USPN 6,738,806) discloses a system for disseminating information to mobile devices wherein the information is Java information (column 3, lines 53-59).

Given the teaching of Maryka et al. (USPN 6,738,806), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McLlroy et al. (USPN 6,701,521) by sending Java information specifically. Java information is platform independent and is thus useful on a number of different device types. This benefits the system by increasing the variety of devices that can receive and use the information.

15. Regarding claim 2, McLlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 1. They further teach means wherein the information is submitted to the server by application developers (figure 10b, figure 11). Please note that the applications were delivered to the application source by developers.

16. Regarding claim 3, McLlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 1. They further teach means wherein the information is submitted to the server by content providers and service providers (figure 10b, figure 11). Please note that the application source is a content provider in this case.

17. Regarding claim 4, McLlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 1. They further teach means wherein the server disseminates the characteristics of the users and devices in the network to providers of the information (figure 10b).

18. Regarding claim 5, McLlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 1. They further teach means wherein the information comprises one or more applications, wherein the computer readable medium further comprises characteristics of the one or more applications, and wherein the server disseminates

one or more of the characteristics to the network (figure 10b, element 1050; column 13, lines 18-21).

19. Regarding claim 6, McLlroy et al. (USPN 6,701,521) teach a system for disseminating information, the system comprising:

- a. A server (column 12, lines 38-47).
- b. A plurality of mobile communication devices, wherein the server disseminates the information to the mobile communication devices according to characteristics of the mobile communication devices (column 13, lines 7-21).

Although the system disclosed by McLlroy et al. (USPN 6,701,521) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the information is Java information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McLlroy et al. (USPN 6,701,521) as evidenced by Maryka et al. (USPN 6,738,806).

In an analogous art, Maryka et al. (USPN 6,738,806) discloses a system for disseminating information to mobile devices wherein the information is Java information (column 3, lines 53-59).

Given the teaching of Maryka et al. (USPN 6,738,806), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McLlroy et al. (USPN 6,701,521) by sending Java information specifically. Java information is platform independent and is thus useful on a number of different

device types. This benefits the system by increasing the variety of devices that can receive and use the information.

20. Regarding claim 17, McLlroy et al. (USPN 6,701,521) teach a system with means for:

- a. Providing information to a server in the network (figure 10b; column 13, lines 12-15).
- b. Processing the information according to characteristics of the network (column 13, lines 18-21).
- c. Disseminating the processed information to the network (figure 10b, element 1050).

Although the system disclosed by McLlroy et al. (USPN 6,701,521) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the information is Java information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McLlroy et al. (USPN 6,701,521) as evidenced by Maryka et al. (USPN 6,738,806).

In an analogous art, Maryka et al. (USPN 6,738,806) discloses a system for disseminating information to mobile devices wherein the information is Java information (column 3, lines 53-59).

Given the teaching of Maryka et al. (USPN 6,738,806), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McLlroy et al. (USPN 6,701,521) by sending Java information specifically.

Java information is platform independent and is thus useful on a number of different device types. This benefits the system by increasing the variety of devices that can receive and use the information.

21. Regarding claim 19, McLlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 17. They further teach means for processing the information by qualifying, profiling, optimizing, or customizing the information (column 13, lines 18-21).

22. Regarding claim 20, McLlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 17. They further teach means for removing or adding resources to the information, and wherein the characteristics of the network comprise characteristics of devices and users in the network (column 13, lines 7-21).

23. Regarding claim 22, McLlroy et al. (USPN 6,701,521) teach a system for disseminating information with means for:

- a. Providing information to the network (figure 10b; column 13, lines 4-6).
- b. Optimizing the information according to characteristics of users and devices in the network (column 13, lines 7-21).
- c. Disseminating the processed information to the users and devices (figure 10b, element 1050).

Although the system disclosed by McLlroy et al. (USPN 6,701,521) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the information is Java information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McLlroy et al. (USPN 6,701,521) as evidenced by Maryka et al. (USPN 6,738,806).

In an analogous art, Maryka et al. (USPN 6,738,806) discloses a system for disseminating information to mobile devices wherein the information is Java information (column 3, lines 53-59).

Given the teaching of Maryka et al. (USPN 6,738,806), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McLlroy et al. (USPN 6,701,521) by sending Java information specifically. Java information is platform independent and is thus useful on a number of different device types. This benefits the system by increasing the variety of devices that can receive and use the information.

24. Regarding claim 23, McLlroy et al. (USPN 6,701,521) teach a system for disseminating information with means for:

- a. Providing information to a server in the network (figure 10b; column 13, lines 4-6).
- b. Qualifying the information (column 13, lines 7-21).
- c. Disseminating the qualified information to the users and devices (figure 10b, element 1050).

Although the system disclosed by McLlroy et al. (USPN 6,701,521) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the information is Java information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McLlroy et al. (USPN 6,701,521) as evidenced by Maryka et al. (USPN 6,738,806).

In an analogous art, Maryka et al. (USPN 6,738,806) discloses a system for disseminating information to mobile devices wherein the information is Java information (column 3, lines 53-59).

Given the teaching of Maryka et al. (USPN 6,738,806), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McLlroy et al. (USPN 6,701,521) by sending Java information specifically. Java information is platform independent and is thus useful on a number of different device types. This benefits the system by increasing the variety of devices that can receive and use the information.

25. Regarding claim 24, McLlroy et al. (USPN 6,701,521) teach a system for disseminating information with means for:

- a. Storing information in the network to server (figure 10b, element 1050).
- b. Storing characteristics of a specific user and devices in the network to the server (figure 10b, element 1040).
- c. Disseminating the information in the network to specific users and devices in the network according to the characteristics of the specific users and devices (column 13, lines 7-21; figure 10b, element 1050).

Although the system disclosed by McIlroy et al. (USPN 6,701,521) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the information is Java information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McIlroy et al. (USPN 6,701,521) as evidenced by Maryka et al. (USPN 6,738,806).

In an analogous art, Maryka et al. (USPN 6,738,806) discloses a system for disseminating information to mobile devices wherein the information is Java information (column 3, lines 53-59).

Given the teaching of Maryka et al. (USPN 6,738,806), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McIlroy et al. (USPN 6,701,521) by sending Java information specifically. Java information is platform independent and is thus useful on a number of different device types. This benefits the system by increasing the variety of devices that can receive and use the information.

26. Regarding claim 25, McIlroy et al. (USPN 6,701,521) teach a system with means to interact with a network to receive information and to process the information according to characteristics of the network, wherein the characteristics comprise characteristics of devices in the network (column 13, lines 7-21).

Although the system disclosed by McIlroy et al. (USPN 6,701,521) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the information is Java information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McLlroy et al. (USPN 6,701,521) as evidenced by Maryka et al. (USPN 6,738,806).

In an analogous art, Maryka et al. (USPN 6,738,806) discloses a system for disseminating information to mobile devices wherein the information is Java information (column 3, lines 53-59).

Given the teaching of Maryka et al. (USPN 6,738,806), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McLlroy et al. (USPN 6,701,521) by sending Java information specifically. Java information is platform independent and is thus useful on a number of different device types. This benefits the system by increasing the variety of devices that can receive and use the information.

27. Regarding claim 26, McLlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 25. They further teach means to interact with the network to disseminate the processed information to the network (figure 10b; column 13, lines 18-21).

28. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLlroy et al. (USPN 6,701,521) in view of Kanamaru et al. (USPN 6,647,547).

29. Regarding claim 15, McLlroy et al. (USPN 6,701,521) teach a system for disseminating information on a network with means for:

- a. Providing information to the network (figure 10b; column 13, lines 4-6).

- b. Processing the information according to characteristics of the network (column 13, lines 7-21).
- c. Disseminating the processed information to the network (figure 10b; column 13, lines 7-21).

Although the system disclosed by McLlroy et al. (USPN 6,701,521) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the information includes byte-codes.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McLlroy et al. (USPN 6,701,521) as evidenced by Kanamaru et al. (USPN 6,647,547)

In an analogous art, Kanamaru et al. (USPN 6,647,547) discloses a system for changing and providing information in a system wherein the information includes byte-codes (column 3, lines 35-45).

Given the teaching of Kanamaru et al. (USPN 6,647,547), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McLlroy et al. (USPN 6,701,521) by specifically altering byte-codes in the information provided to the network. This benefits the system because byte-code is useful at runtime in most of the receiving devices and direct changes to byte-code can avoid the need to make changes to the original source code.

30. Regarding claim 16, although the system disclosed by McLlroy et al. (USPN 6,701,521) (as applied to claim 15) shows substantial features of the claimed invention,

it fails to disclose means wherein the step of processing comprises adding byte-codes to the information, removing byte codes from the information, or altering the byte-codes.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McLlroy et al. (USPN 6,701,521) as evidenced by Kanamaru et al. (USPN 6,647,547)

In an analogous art, Kanamaru et al. (USPN 6,647,547) discloses a system for changing and providing information in a system wherein the step of processing comprises adding byte-codes to the information, removing byte codes from the information, or altering the byte-codes (column 3, lines 35-45).

Given the teaching of Kanamaru et al. (USPN 6,647,547), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McLlroy et al. (USPN 6,701,521) by specifically altering byte-codes in the information provided to the network. This benefits the system because byte-code is useful at runtime in most of the receiving devices and direct changes to byte-code can avoid the need to make changes to the original source code.

31. Claims 7-9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) as applied to claim 6 above, and further in view of Kanamaru et al. (USPN 6,647,547).

32. Regarding claim 7, McLlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 6. They further teach means wherein the tool is operatively coupled to the server and wherein the tool processes the information by changing at least some of the information (column 13, lines 15-21).

Although the system disclosed by McIlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the information includes byte-codes.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McIlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) as evidenced by Kanamaru et al. (USPN 6,647,547)

In an analogous art, Kanamaru et al. (USPN 6,647,547) discloses a system for changing and providing information in a system wherein the information includes byte-codes (column 3, lines 35-45).

Given the teaching of Kanamaru et al. (USPN 6,647,547), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McIlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) by specifically altering byte-codes in the information provided to the network. This benefits the system because byte-code is useful at runtime in most of the receiving devices and direct changes to byte-code can avoid the need to make changes to the original source code.

33. Regarding claim 8, McIlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 6. They further teach means wherein the tool processes the information by adding to the information (column 13, lines 15-21).

Although the system disclosed by McIlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the information includes byte-codes.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McIlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) as evidenced by Kanamaru et al. (USPN 6,647,547)

In an analogous art, Kanamaru et al. (USPN 6,647,547) discloses a system for changing and providing information in a system wherein the information includes byte-codes (column 3, lines 35-45).

Given the teaching of Kanamaru et al. (USPN 6,647,547), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McIlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) by specifically altering byte-codes in the information provided to the network. This benefits the system because byte-code is useful at runtime in most of the receiving devices and direct changes to byte-code can avoid the need to make changes to the original source code.

34. Regarding claim 9, McIlroy et al. (USPN 6,701,521) teach all the limitations as applied to claim 6. They further teach means wherein the tool processes the information by removing from the information (column 13, lines 15-21).

Although the system disclosed by McIlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the information includes byte-codes.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McIlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) as evidenced by Kanamaru et al. (USPN 6,647,547)

In an analogous art, Kanamaru et al. (USPN 6,647,547) discloses a system for changing and providing information in a system wherein the information includes byte-codes (column 3, lines 35-45).

Given the teaching of Kanamaru et al. (USPN 6,647,547), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McLlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) by specifically altering byte-codes in the information provided to the network. This benefits the system because byte-code is useful at runtime in most of the receiving devices and direct changes to byte-code can avoid the need to make changes to the original source code.

35. Regarding claim 18, although the system disclosed by McLlroy et al. (USPN 6,701,521) in view of Maryka et al. (USPN 6,738,806) (as applied to claim 17) shows substantial features of the claimed invention, it fails to disclose means for processing the Java information by processing byte-codes of the Java information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McLlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) as evidenced by Kanamaru et al. (USPN 6,647,547)

In an analogous art, Kanamaru et al. (USPN 6,647,547) discloses a system for changing and providing information in a system with means for processing the Java information by processing byte-codes of the Java information (column 3, lines 35-45).

Given the teaching of Kanamaru et al. (USPN 6,647,547), a person having ordinary skill in the art would have readily recognized the desirability and advantages of

Art Unit: 2153

modifying McIlroy et al. (USPN 6,701,521) and Maryka et al. (USPN 6,738,806) by specifically altering byte-codes in the information provided to the network. This benefits the system because byte-code is useful at runtime in most of the receiving devices and direct changes to byte-code can avoid the need to make changes to the original source code.

36. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIlroy et al. (USPN 6,701,521).

37. Regarding claim 21, McIlroy et al. (USPN 6,701,521) teach a system for disseminating information in a network with means for:

- a. Providing information to the network (figure 10b; column 13, lines 4-6).
- b. Processing the information according to characteristics of one or more mobile devices in the network (column 13, lines 7-21).
- c. Disseminating the processed information to one or more mobile devices in the network (figure 10b, column 13, lines 7-21).

Although the system disclosed by McIlroy et al. (USPN 6,701,521) shows substantial features of the claimed invention, it fails to disclose means wherein the information is a JAR file.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by McIlroy et al. (USPN 6,701,521).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying McIlroy et al. (USPN 6,701,521) by processing

and sending JAR files. This benefits the system because it allows the server to utilize applets in providing information to clients.

Conclusion

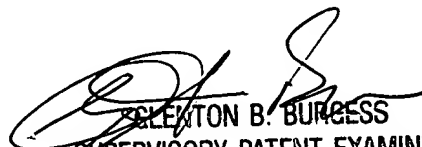

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


Application/Control Number: 09/966,345
Art Unit: 2153

Page 21